

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 13 OF THE CITY CODE RELATING TO HELI-FACILITIES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 13-1-15 of the City Code is amended to read as follows:

(A) Except in an emergency, a person may not land an aircraft in the city except that [on]:

(1) a fixed wing aircraft may land:

(a) on designated runways at the airport;

(b) on a field or body of water approved in advance by the director and the director of the planning and development review department;[an airport runway; or]

(2) a helicopter may land:

(a) on a designated landing area at the airport; or

(b) at a heli-facility that has a valid heli-facility permit obtained pursuant to article 4 of this chapter, subject to the terms of the heli-facility permit; and [a privately owned airport runway, a body of water, or a field approved in advance by the Director and the director of the Watershed Protection and Development Review Department.]

(3) an aircraft other than a fixed wing aircraft or a helicopter may land on a field approved in advance by the director and the director of the planning and development review department.

(B) For purposes of Sections 1-1-99 and 13-1-201, a person who violates this section commits an offense for each non-emergency landing.

**PART 2.** Section 13-1-171 of the City Code is amended to read as follows:

(A) Terms not otherwise defined in this article have the meaning prescribed by applicable aviation law, including Federal Aviation Administration Advisory Circular 150/5390-2 [~~150/5390-2A~~] (Heliport Design Guide), Federal Aviation Administration Advisory Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports), and Appendix A of 14 Code of Federal Regulation Part 150.

(B) In this article:

- (1) APPROACH AND DEPARTURE PATHS means the flight tracks helicopters follow when landing at or departing from a heli-facility.
- (2) APPLICATION means an application for issuance of a heli-facility permit pursuant to this article.
- (3) CATEGORY I means a helistop approved for a cumulative total of 10 or fewer helicopter takeoffs and landings per day and 18 total operations during the period of the heli-facility permit.
- (4) CATEGORY II means a helistop approved for a single specific event of not more than three consecutive days during the period of the heli-facility permit, with a cumulative total of helicopter takeoffs and landings not to exceed eight operations per hour per day. In addition, no more than three approved helicopters may use an approved category II helistop without special consent of the director.
- (5) CATEGORY III means a permanent heliport facility.
- (6) COMMISSION means the City of Austin Airport Advisory Commission.
- (7) DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) means the 24-hour average sound level, in dB, for the period from midnight to midnight, obtained after the addition of 10 dB to sound levels for the periods between midnight and 7 a.m., and between 10 p.m. and midnight, local time.
- (8) dB means decibels, a logarithmic scale for measuring sound intensity.
- (9) DIRECTOR means the Director of the Aviation Department.

- (10) ENVIRONMENTALLY SENSITIVE AREA means, as defined by the U.S. Environmental Protection Agency, an area that includes important natural resources such as sensitive topographic features (i.e. steep slopes (>15%)), geologic/geomorphic formations, sinkholes and karst terrain, scenic vistas/overlooks/lookouts and public and private forest and woodlands.
- (11) EQUIVALENT SOUND LEVEL (Leq) means the average noise level during a designated period (less than 24 hours).
- (12) FAA means the United States Federal Aviation Administration.
- (13) ~~[(4)]~~ HELICOPTER means a rotorcraft that depends principally on its engine-driven rotors for its horizontal motion.
- (14) ~~[(2)]~~ HELI-FACILITY means a heliport or a helistop.
- (15) HELI-FACILITY PERMIT means written authorization obtained pursuant to this article for the operation of a heli-facility in the city.
- (16) ~~[(3)]~~ HELIPORT means the [a building or an] area of land, [or] water, or a structure [including appurtenant facilities,] used or intended to be used permanently for [helicopter] the landing and takeoff of helicopters, together with appurtenant buildings and facilities.
- (17) ~~[(4)]~~ HELISTOP means a minimally developed heli-facility that is temporarily designated as a landing area for one or more helicopters to be used for the [designed to permit] boarding and discharge of passengers or cargo, or for a specific educational, commercial, or community purpose, or for a construction project, and which is not equipped with [a] helicopter maintenance, fueling activities, repair, or storage facilities [facility].
- (18) ~~[(5)]~~ HOSPITAL HELIPORT means a heliport that only serves helicopters engaged in air ambulance service or other hospital related functions.
- (19) INCOMPATIBLE NOISE means anticipated noise measurement from the operations proposed in an application that, based on noise modeling, noise monitoring of heli-facilities in the past, or the department's noise monitoring of test flights in the vicinity of the

120 proposed location for the heli-facility, would be expected to exceed  
121 with unreasonable frequency and/or duration the levels indicated  
122 below for specific types of noise sensitive areas:

123  
124 (a) noise measurement of 65-70 dB or greater for  
125 residential, mobile home parks, transient lodgings,  
126 schools, hospitals, nursing homes, places of worship,  
127 concert halls, outdoor music shells, amphitheaters, or  
128 substantially similar land uses; or

129  
130 (b) noise measurement of 70-75 dB or greater for  
131 governmental services, offices (business and  
132 professional), auditoriums, nature exhibits, zoos, or  
133 substantially similar land uses; or

134  
135 (c) noise measurement of 75-80 dB or greater for  
136 livestock farming or breeding, general retail,  
137 photographic or optical manufacturing or production,  
138 amusement parks, golf courses, parks, riding stables,  
139 resorts, water recreation areas camps, or substantially  
140 similar land uses; or

141  
142 (d) noise measurement of greater than 85 dB for parking,  
143 wholesale or retail sales of building materials, hardware  
144 or farm equipment, utilities, general manufacturing, or  
145 substantially similar land uses;

146  
147 (e) provided, however, that the noise measurement  
148 reasonably anticipated from the proposed heli-facility's  
149 operations shall not be deemed incompatible noise with  
150 respect to any particular noise sensitive area if the noise  
151 measurement from self-generated noise from that noise  
152 sensitive area and/or the ambient noise at that noise  
153 sensitive area exceeds the noise measurement reasonably  
154 anticipated from the proposed heli-facility's operations.

155  
156 (20) NOISE means any sound that is deemed undesirable by an individual.

157  
158 (21) NOISE MEASUREMENT means generally the applicable technical  
159 standard to be used for incompatible noise, noise modeling, or noise  
160 monitoring of a particular type of heli-facility, and means specifically:

161 (a) for a category I or category II, the A-weighted equivalent sound  
162 level ( $L_{eq}$ ), measured in accordance with FAA Integrated Noise Model  
163 guidelines; and

164  
165  
166 (b) for a category III, the yearly day-night average sound level ( $L_{dn}$ ),  
167 measured in accordance with FAA Integrated Noise Model guidelines.  
168

169 (22) NOISE MODEL means a computer model, developed by the FAA (or  
170 an FAA approved equivalent), suitable for evaluation of anticipated  
171 helicopter noise impacts in the vicinity of a heli-facility. Noise  
172 modeling can output either noise contours for an area or noise level at  
173 pre-selected locations. The noise output can be either exposure-based,  
174 maximum-level-based, or time-based.  
175

176 (23) NOISE MONITORING means the analysis, with computerized  
177 aircraft noise and flight track data collections and processing systems,  
178 of the noise impact of heli-facility operations on noise sensitive areas,  
179 using data acquired from helicopter transponders, noise from  
180 permanent and portable noise monitors, weather observations, citizen  
181 complaints, radar, and other sources.  
182

183 (24) [(6)] NOISE SENSITIVE AREA means land uses identified by FAA  
184 Advisory Circular 150/5020-1 (Noise Control and Compatibility  
185 Planning for Airports) and Appendix A of 14 Code of Federal  
186 Regulation Part 150 as noise sensitive areas, including land used for  
187 any of the following or substantially similar purposes: residential,  
188 mobile home parks, transient lodgings, schools, hospitals, nursing  
189 homes, places of worship, auditoriums, concert halls, government  
190 services facilities, offices (business or professional), retail businesses,  
191 communication facility, livestock farms, ranches, or breeding  
192 facilities, outdoor sports arena, spectator sports facilities, outdoor  
193 music shells, amphitheaters, nature exhibits, zoos, amusement parks,  
194 parks, resorts, camps, riding stables or water recreation areas [the area  
195 within a 4,000 foot radius of a school, church, hospital, nursing home,  
196 single family residential area, or other area identified by the city  
197 manager].  
198

199 (25) ONLINE means a centralized link on the department's internet web  
200 site from which the public can easily access all information regarding  
201 heli-facilities required by this article to be posted or published.

- (26) OPERATION means either one helicopter landing or one helicopter takeoff at a heli-facility.
- (27) OPERATIONAL HOURS means the hours of the day that category II operations may occur between 7:30 A.M. (local) and 8:30 P.M. (local).
- (28) ~~[(7)]~~ OWNER means a person having a legal or equitable interest in a helicopter, a heli-facility, or a helicopter venture.
- (29) ~~[(8)]~~ PRIVATE USE HELIPORT means a heliport that is developed for the exclusive use of its owner and persons authorized by the owner.
- (30) ~~[(9)]~~ PUBLIC USE HELIPORT means a heliport available for use by the general public without the prior approval of the owner or operator.
- (31) REASONABLE FREQUENCY means eight operations per hour per day for a category II heli-facility.
- (32) SPECIAL CONSENT means consent by the director to authorize certain operations as set forth in section 13-1-181(H).
- ~~[(10)] TEMPORARY HELISTOP means a helistop that is approved for a cumulative total of 18 or fewer helicopter takeoffs helicopter takeoffs and landings on a temporary basis for an advertising, promotional, educational or community service purpose, or a construction project.]~~

**PART 3.** Section 13-1-172 of the City Code is amended to read as follows:

(A) This article applies to any [a] heli-facility located ~~[and helicopter use from a ground or elevated site in the city at a location]~~ outside of an aviation services (AV) district.

(B) This article does not apply to property owned by a federal and state government or agency.

**PART 4.** Section 13-1-173 of the City Code is amended to read as follows:

§ 13-1-173 APPLICATION DEADLINES, CONDITIONS, AUTHORITY, APPEALS, AND CALCULATION OF DEADLINES.

(A) An administratively complete application must be filed with the department:

(1) 30 days in advance of the requested effective date for a category I;

(2) Six months before the requested effective date for a category II.

(B) The following are not considered part of the application but rather are conditions to the issuance of a heli-facility permit after approval of an application (“conditions”):

(1) For a category I and a category II, submission to the director by the applicant of a signed inspection from the Austin Fire Department for compliance with International Fire Code and National Fire Protection Association standards;

(2) For a category II and a category III, submission to the director by the applicant of a FAA letter of no objection to the planned approach and departure paths for the proposed heli-facility;

(3) For a category III, receipt by the applicant of a conditional use permit as required by section 25-2-861 (Facilities for Helicopters and Other Nonfixed Wing Aircraft) of the code;

(4) For a category III, submission to the director by the applicant of a FAA letter of airspace determination; and

(5) For a category I and a category II, the transponder code as assigned by FAA at time of flight for each helicopter using the heli-facility.

(C) In order to expedite the application process, the director shall not wait for any condition to be satisfied to determine that the application is administratively complete and to commence review of, or to issue a decision either approving or denying, an application.

283 (D) [A] The director may issue a heli-facility permit upon his determination that:  
284 [for a heli-facility or authorize a temporary helistop.]  
285

286 (1) The application has been approved:  
287

288 (a) and no timely notice of appeal has been filed for  
289 category II or category III; or  
290

291 (b) the city manager, or city council, as applicable, has rendered a  
292 decision overruling an appeal of the director's determination; and  
293

294 (2) All conditions have been met.  
295

296 (E) [~~B~~] The director may adopt rules, consistent with applicable law and this  
297 article, relating to the operation of a heli-facility [under this article].  
298

299 (F) For purposes of section 2-5-62 of the code:  
300

301 (1) An applicant shall have standing to appeal the director's  
302 determination of an application, or to respond to an appeal of the director's  
303 determination, of an application.  
304

305 (2) Any resident, tenant, owner, user, or operator of a noise sensitive area  
306 or environmentally sensitive area has standing to appeal the director's  
307 determination of a category II or category III application if the appellant  
308 alleges the proposed operations would:  
309

310 (a) expose the noise sensitive area to incompatible noise; or  
311

312 (b) pose a material threat to life, health, or property at the noise  
313 sensitive area; or  
314

315 (c) pose a material threat to the environmentally sensitive area.  
316

317 (G) A person with standing may appeal the director's decision by filing with the  
318 director, no later than fourteen (14) days after the date of the director's decision, a  
319 "notice of appeal", which shall include:  
320

321 (1) the name, address, and telephone number of the appellant;  
322

323 (2) the name of the applicant, if the appellant is not the applicant;

324  
325 (3) the decision being appealed;

326  
327 (4) the date of the decision;

328  
329 (5) a statement of the basis of the appellant's standing; and

330  
331 (6) the reasons the appellant believes the director's decision on the  
332 application does not comply with the requirements of this article.

333  
334 (H) A person with standing may respond to an appeal by filing with the director,  
335 no later than fourteen (14) days after the date on which the notice of appeal was  
336 filed, a "response to appeal", which shall include:

337  
338 (1) the name, address, and telephone number of the respondent;

339  
340 (2) identification of the appeal to which the response to appeal relates;

341  
342 (3) a statement of the basis of the respondent's standing; and

343  
344 (4) the reasons the respondent believes the director's decision on the  
345 application complies with the requirements of this article.

346  
347 (I) Within three business days of receipt of a notice of appeal or a response to  
348 an appeal relating to a category II application, the director shall deliver the notice  
349 of appeal or a response to an appeal to the city manager who shall decide the  
350 appeal.

351  
352 (1) The city manager shall have 45 days from the date of the director's  
353 decision to decide an appeal relating to a category II application.

354  
355 (2) The city manager's decision shall be in the form of a written opinion  
356 stating the findings of fact, provisions of applicable law, and provisions of  
357 this article on which the city manager's ruling on the appeal is based.

358  
359 (J) The department shall post online every notice of appeal and response to a  
360 category II appeal within three business days filing, every decision on an appeal  
361 within one day of issuance, and every heli-facility permit within one day of  
362 issuance, and shall keep them posted online until such time as they are no longer  
363 relevant;

365 (K) For purposes of determining the deadline for taking action within a period of  
366 a specified number of days as required by this article:

367  
368 (1) the day of the event that triggers the deadline shall not be counted;

369  
370 (2) any day falling on a weekend or city holiday shall be counted unless  
371 the weekend or city holiday is the last day of the period;

372  
373 and

374  
375 (4) the deadline shall be 5 P.M. (Central Time) on the last day of the  
376 period as determined in the manner in this section.

377  
378 **PART 5.** Section 13-1-175 of the City Code is amended to read as follows:

379  
380 § 13-1-175 CATEGORY III [~~HELIPORT~~] IDENTIFICATION NUMBER.

381  
382 (A) The permittee is required to obtain a heliport location identifier from the  
383 FAA. [~~The Watershed Protection and Development Review Department shall~~  
384 provide a permittee with a City heliport identification number.]

385  
386 (B) The department shall maintain information [~~At the request of a~~  
387 ~~governmental agency, the Watershed Protection and Development Review~~  
388 ~~Department shall provide a map]~~ identifying each heliport [~~heli-facility~~] in the  
389 city by type, location, identification number, and name of the owner or  
390 operator.

391  
392 (C) The owner or operator of a heliport shall display the heliport markings as  
393 required by FAA 150/5390-2 and section 13-1-186 [~~City heliport identification~~  
394 ~~number as required by Section 13-1-185]~~ (Heli-facility Standards and  
395 Marking).

396  
397 **PART 6.** Section 13-1-176 of the City Code is amended to read as follows:

398  
399 (A) Except as provided in subsection (B), the director may not issue a heli-  
400 facility permit [~~to or authorize~~] for a proposed heli-facility in a residential base  
401 district as described in Division 2 (Residential Base Districts), Article 2 (Zoning  
402 Districts) of Chapter 25-2 (Zoning).

403  
404 (B) Notwithstanding that the heli-facility would be in a zone district listed in  
405 subsection (A), the [~~The~~] director may, if all other requirements of this article are

406 satisfied, issue a heli-facility permit for a proposed: ~~[to a hospital heliport or~~  
407 ~~authorize a temporary helistop on a construction site in a zoning district listed in~~  
408 ~~Subsection (A).]~~  
409

410 (1) hospital heliport; or

411  
412 (2) category I on a construction site.  
413

414 **PART 7.** Section 13-1-177 of the City Code is amended to read as follows:  
415

416 The director shall apply the following priority ranking in approval of a heli-  
417 facility site:  
418

419 (1) a hospital category III [heliport] and other category III [heliport] intended  
420 for emergency use by a fire department or law enforcement agency;  
421

422 (2) a public use category III [heliport]; and  
423

424 (3) a private use category III; and [heliport.]  
425

426 (4) a category I and a category II.  
427

428 **PART 8.** Section 13-1-178 of the City Code is amended to read as follows:  
429

430 § 13-1-178 HELI-FACILITY PERMIT ~~[OR AUTHORIZATION]~~ REQUIRED;  
431 OFFENSE.  
432

433 (A) To establish or operate a category I or category II in the city, a person  
434 must obtain a heli-facility permit from the director ~~[Except as provided in~~  
435 ~~subsection (B), to establish or operate a heli facility in the city, a person must~~  
436 ~~obtain:~~  
437

438 (1) ~~a permit from the director; and~~  
439

440 (2) ~~a conditional use permit as required by Section 25-2-861 (Facilities~~  
441 ~~for Helicopters and Other Nonfixed Wing Aircraft) of the Code].~~  
442

443 (B) To establish or operate a category III in the city, a person must obtain:  
444

445 (1) a heli-facility permit from the director; and  
446

(2) a conditional use permit as required by Section 25-2-861 (Facilities for Helicopters and Other Nonfixed Wing Aircraft) of the Code [~~A person who wants to operate a temporary helistop may apply to the director for written authorization to operate~~].

(C) A heli-facility permit [~~or authorization~~] issued under this article is non-transferable.

(D) For purposes of sections 1-1-99 and 13-1-201, each separate non-emergency landing knowingly allowed by the owner or operator of a heli-facility without a valid heli-facility permit is a separate offense of this section by the owner and operator.

**PART 9.** Section 13-1-179 of the City Code is amended to read as follows:

(B) A heli-facility permit is not required for an unprepared site at or near the scene of an accident or similar medical emergency on which a helicopter may land to pick up a patient to provide emergency medical transport.

(C) A heli-facility permit is not required to land a helicopter engaged in firefighting or an emergency evacuation operation on a clear area on the roof of a tall building not designed as a heliport.

**PART 10.** Section 13-1-180 of the City Code is amended to read as follows:

§ 13-1-180 APPLICATION REQUIREMENTS FOR CATEGORY I [~~PERMANENT HELI FACILITY~~].

(A) This section does not apply to a category II or category III [~~an application for a temporary helistop~~].

(B) An application for a category I [~~heli-facility~~] shall include:

(1) proof of insurance as required by section 13-1-185 [~~13-1-184~~] (Insurance Required; Termination);

(2) a description of the location (latitude and longitude) [~~type,~~] and intended use of the proposed helistop [~~heli-facility~~];

(3) a description of the size, layout, and topographical features of the proposed helistop [~~location of the heli-facility~~];

488  
489 (4) the ~~[anticipated]~~ number of anticipated daily operations and hours of  
490 operation;

491  
492 (5) for each helicopter ~~[the type of helicopters]~~ expected to use the  
493 proposed helistop ~~[facility]~~, the helicopter's tail number, ~~[including the]~~  
494 manufacturer, model number, and maximum gross weight;

495  
496 (6) a description of one or two approach and departure paths selected in  
497 compliance with FAA Advisory Circular 150/5390-2 (Heliport Design Guide)  
498 which should, insofar as safely practicable, avoid noise sensitive areas and  
499 environmentally sensitive areas ~~[a site plan, including:~~

500  
501 ~~(a) the location, type, and height of security fences, berms, and other~~  
502 ~~noise mitigation and security features;~~

503  
504 ~~(b) the location and type of firefighting equipment at the site;~~

505  
506 ~~(c) the location and type of fuel storage facilities at the site;~~

507  
508 ~~(d) the method of surface preparation or stabilization for the~~  
509 ~~touchdown pad, including material;~~

510  
511 ~~(e) the locations and type of:~~

512  
513 ~~(i) perimeter lighting, if required;~~

514  
515 ~~(ii) site marking; and~~

516  
517 ~~(iii) wind direction indication equipment;~~

518  
519 ~~(f) each obstruction penetrating the heli facility's imaginary surfaces as~~  
520 ~~identified in 14 Code of Federal Regulation Part 77 (Objects Affecting Navigable~~  
521 ~~Airspace)];~~

522  
523 (7) a description of each obstruction penetrating the proposed helistop's  
524 imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (Safe,  
525 Efficient Use, and Preservation of Navigable Airspace) ~~[a Federal Aviation~~  
526 ~~Administration letter of airspace determination];~~  
527

(8) documentation of crowd control measures adequate for the circumstances of the helistop's intended use [a Federal Aviation Administration letter of no objection to the planned approach and departure routes];

(9) for a proposed elevated or rooftop helistop, certification by a registered professional engineer that the supporting structure for the touchdown and liftoff area satisfies the minimum design load recommended by FAA Advisory Circular 150/5390-2 [a copy, including attachments, of the following Federal Aviation Administration Forms:

(a) 7480-1 (Notice of Landing Area Proposal) as prescribed by Federal Aviation Administration Regulation Part 157 (Notice of Construction, Alteration, Activation, and Deactivation of Airports); and

(b) 7460-1 (Notice of Proposed Construction or Alteration) as prescribed by Federal Aviation Administration Regulation Part 77 (Objects Affecting Navigable Airspace)];

(10) application fee [an aerial photograph or current map sealed at least one inch to every 400 feet, marked to indicate:

(a) the approach and departure paths; and

(b) the location of all noise sensitive areas within a radius of 4,000 feet from the proposed site]; and

(11) any additional information required by the director [a report indicating the anticipated noise level at the proposed site and compliance with Federal Aviation Administration Advisory Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports), except a hospital heliport;].

[(12) a certificate of structural compliance, attested to by a registered professional engineer or architect;

(13) a depiction of the owner's proposed logo, emblem, or identification marking;

(14) documentation of available motor vehicle parking; and

(15) additional information required by the director.]

569 (C) The director shall notify the following city departments and non-city  
570 agencies:

571  
572 (1) department;

573  
574 (2) police;

575  
576 (3) fire;

577  
578 (4) transportation;

579  
580 (5) parks and recreation;

581  
582 (6) planning and development review department;

583  
584 (7) code and compliance;

585  
586 (8) star flight; and

587  
588 (9) Austin-Travis County EMS.

589  
590 (D) Notice and public comment period shall be provided as follows:

591  
592 (1) The department shall:

593  
594 (a) within three business days of the receipt of an administratively  
595 complete application post a copy of the application online for public  
596 inspection;

597  
598 (b) within three business days of any change in the administratively  
599 complete application (e.g. supplementation or amendment by the  
600 applicant, or city's "check-off" on a requirement or condition), update  
601 the copy of the application posted online; and

602  
603 (c) within three business days of the receipt of an administratively  
604 complete application, give notice to the public by providing notice to  
605 the Austin Neighborhood Council and neighborhood associations  
606 within 500 feet in the vicinity to communicate such notice to their  
607 members and residents.

(E) the director shall, within three business days of making a decision, issue, deliver to the applicant, and post online the decision on the application in the form of a written opinion explaining the basis of the director's decision (including findings of fact and applicable provisions of law and of this article).

**PART 11.** Section 13-1-181 of the City Code is amended to read as follows:

§ 13-1-181 APPLICATION REQUIREMENTS FOR CATEGORY II ~~[TEMPORARY HELISTOP]~~.

(A) This section does not apply to an application for category I or category III.

(B) An application for a category II ~~[temporary helistop]~~ shall include:

(1) proof of insurance required under section 13-1-185 [13-1-184] (Insurance Required; Termination);

(2) a description of the location (latitude and longitude), type, and intended specific use of the proposed helistop;

(3) a description of the size, layout, and topographical features of the location of the proposed helistop;

(4) a description of each obstruction penetrating the helistop's imaginary surfaces as identified in 14 Code of Federal Regulation Part 77 (Safe, Efficient Use, and Preservation of Navigable Airspace)[the number of anticipated daily operations and hours of operation];

(5) the specific dates during the requested heli-facility permit period for which authorization for operations is sought and, for each such date, the maximum hours of operation, and the maximum number of operations on an hourly and daily basis;~~[the types of helicopters expected to use the helistop, including manufacturer, model number, and maximum gross weight];~~

(6) for each helicopter expected to use the proposed helistop, the helicopter's tail number, manufacturer, model number, and maximum gross weight;~~[an aerial photograph or current map scaled at least one inch to every 400 feet, marked to indicate:~~

~~(a) — the location of the temporary helistop;~~

650           ~~(b) — each obstruction penetrating the helistop's imaginary surfaces as~~  
651 ~~identified in 14 Code of Federal Regulation Part 77 (Objects Affecting Navigable~~  
652 ~~Airspace); and~~

653  
654           ~~(c) — the location of all noise sensitive areas within a radius of 4,000 feet~~  
655 ~~from the proposed site; and]~~

656  
657           (7) an aerial image or current map of the proposed helistop and its environs,  
658 scaled at least one inch to every 400 feet, marked to indicate:

659  
660               (a) the helistop boundaries;

661  
662               (b) takeoff and landing pads;

663  
664               (c) one or two approach and departure paths selected in compliance  
665 with FAA Advisory Circular 150/5392-2 (Heliport Design Guide)  
666 out to at least 4,000 feet horizontally from the landing area, which  
667 insofar as safely practicable should avoid noise sensitive areas and  
668 environmentally sensitive areas, and one of which (if there are  
669 two) shall be identified as the principal approach and departure  
670 path based on the prevailing wind direction for the dates of  
671 anticipated operations; [a Federal Aviation Administration letter of  
672 no objection to the planned approach and departure routes if there  
673 are a cumulative total of 11 or more helicopter takeoffs and  
674 landings at the proposed site; and]

675  
676           (8) the location of all noise sensitive areas and environmentally sensitive  
677 areas within a radius of at least 4,000 feet horizontally from the proposed helistop  
678 landing area; and [additional information required by the director.]

679  
680           (9) documentation of crowd control measures adequate for the circumstances  
681 of the helistop's intended use;

682  
683           (10) for a proposed elevated or rooftop helistop, certification by a registered  
684 professional engineer that the supporting structure for the touchdown and liftoff  
685 area satisfies the minimum design load recommended by FAA Advisory Circular  
686 150/5390-2; and

687  
688           (11) application fee; and

689  
690           (12) any additional information required by the director.

691  
692 (C) The director shall notify the following city departments and non-city  
693 agencies:

694  
695 (1) department;

696  
697 (2) police;

698  
699 (3) fire;

700  
701 (4) transportation;

702  
703 (5) parks and recreation;

704  
705 (6) planning and development review department;

706  
707 (7) code and compliance;

708  
709 (8) star flight; and

710  
711 (9) Austin-Travis County EMS.

712  
713 (D) Notice and public comment period shall be provided as follows:

714  
715 (1) The department shall:

716  
717 (a) within three business days of the receipt of an administratively  
718 complete application post a copy of the application online for public  
719 inspection;

720  
721 (b) within three business days of any change in an administratively  
722 complete application (e.g. supplementation or amendment by the  
723 applicant, or city's "check-off" on a requirement or condition), update  
724 the copy of the application posted online; and

725  
726 (c) coordinate with the planning and development review  
727 department to provide public notice of the application, instructions for  
728 viewing the application online, comment period, and timetable for  
729 each stage of the application process to all persons who have standing  
730 to appeal the director's decision, in the following manner:  
731

732 (i) within three business days of the receipt of an  
733 administratively complete application, post such notice online  
734 and request all neighborhood associations within 500 feet of the  
735 proposed helistop to communicate such notice to their members  
736 and residents;

737  
738 (ii) if no neighborhood association is in the vicinity, within  
739 10 days of the receipt of an administratively complete  
740 application, individual notice shall be delivered by mail to  
741 property owners within 500 feet of the proposed helistop; and

742  
743 (iii) within 10 days of the receipt of an administratively  
744 complete application, individual notice shall be delivered by  
745 mail to commercial property owners and commercial tenants  
746 within 500 feet of the proposed helistop.

747  
748 (2) The public comment period shall commence on the date the required  
749 notice has been provided and end 14 days after a filed application is  
750 administratively complete in all respects.

751  
752 (3) The department shall compile and submit for the director's review all  
753 comments received during the public comment period.

754  
755 (E) Within 30 days from the date the public comment period ends, the director  
756 shall issue, deliver to the applicant, and post online the decision on the application  
757 in the form of a written opinion explaining the basis of the director's decision  
758 (including findings of fact and applicable provisions of law and of this article).

759  
760 (F) Operations may be conducted only on the specific dates, and subject to the  
761 maximum number of operations and number of approved helicopters, for which a  
762 heli-facility permit is issued.

763  
764 (G) The director, on a day-by-day basis, after taking into consideration the time  
765 of day, operational hours, proximity to noise sensitive areas, and/or  
766 environmentally sensitive areas, noise sensitivity, complaints, compatibility with  
767 surrounding land use, and risks to life, health or property, shall have discretion to  
768 authorize increased or decreased frequency of operations and/or number of  
769 approved helicopters during portions of the approved operational hours for a  
770 category II, provided however, that the director:

(1) shall not have discretion to increase the number of daily or total operations and/or number of approved helicopters beyond the maximum number allowed under a category II permit; and

(2) shall cause the department to promptly give notice to neighborhood associations in the vicinity of the heli-facility of any such exercise of the director's discretion.

**PART 12.** Section 13-1-182 of the City Code is amended to read as follows:

§ 13-1-182 APPLICATION REQUIREMENTS FOR CATEGORY III ~~[DENIAL OF PERMIT]~~.

(A) This section does not apply to an application for category I or category II.~~[The director may deny an original or renewal application for a heli facility if the director finds that:~~

~~(1) — the applicant has:~~

~~(a) — failed to submit a complete application;~~

~~(b) — been denied a site development permit for the proposed heli-facility; or~~

~~(c) — been refused a letter of no objection by the Federal Aviation Administration; or~~

~~(2) — the proposed heli facility:~~

~~(a) — presents a material hazard to public health or safety; or~~

~~(b) — does not comply with applicable aviation law or this article].~~

(B) An application for category III shall include:

(1) proof of insurance as required by section 13-1-185 (Insurance Required; Termination);

(2) a description of the location, type, and intended use of the proposed heliport;

813 (3) a description of the size, layout, and topographical features of the  
814 location of the proposed heliport;

815  
816 (4) a description of each obstruction penetrating the heliport's imaginary  
817 surfaces as identified in 14 Code of Federal Regulation Part 77 (Safe,  
818 Efficient Use, and Preservation of Navigable Airspace);

819  
820 (5) the anticipated hours of operation and average number of daily  
821 operations;

822  
823 (6) a description of the types of helicopters expected to use the proposed  
824 heliport, including the manufacturer, model number, and maximum  
825 gross weight;

826  
827 (7) a site plan for the proposed heliport, including:

828  
829 (a) the location, type, and height of security fences, berms, and  
830 other noise mitigation and security features;

831  
832 (b) the location and type of firefighting equipment at the site;

833  
834 (c) the location and type of fuel storage facilities at the site;

835  
836 (d) the method of surface penetration or stabilization for the  
837 touchdown pad(s), including material; and

838  
839 (e) the locations and types of:

840  
841 (i) perimeter lighting, if required;

842  
843 (ii) site marking; and

844  
845 (iii) wind direction indication equipment;

846  
847 (8) completed copies, including attachments, of each of the following  
848 FAA forms;

849  
850 (a) 7480-1 (Notice of Landing Area Proposal) as prescribed  
851 by 14 Code of Federal Regulation Part 157 (Notice of  
852 Construction, Alteration, Activation, and Deactivation of  
853 Airports); and

(b) 7460-1 (Notice of Proposed Construction or Alteration)  
as prescribed by 14 Code of Federal Regulation Part 77 (Safe,  
Efficient Use, and Preservation of Navigable Airspace);

(9) an aerial image or current map of the proposed heliport and its  
environs, scaled at least one inch to every 400 feet, marked to  
indicate:

(a) the heliport boundaries;

(b) takeoff and landing pads;

(c) at least two approach and departure paths selected in  
compliance with FAA Advisory Circular 150/5390-2 (Heliport  
Design Guide) out to at least 4,000 feet horizontally from the  
landing area, one of which shall be identified as the principal  
approach and departure path based on the prevailing wind  
direction for the dates of anticipated operations and both of  
which insofar as safely practicable should avoid noise sensitive  
areas and environmentally sensitive areas;

(d) the location of all noise sensitive areas and  
environmentally sensitive areas within a radius of at least 4,000  
feet horizontally from the proposed heliport landing area; and

(e) noise contours of  $L_{dn}$  65, 70, 75, and 80 for the proposed  
heliport based on noise modeling;

(10) such additional information required by Appendix A of 14  
Code of Federal Regulation Part 150 Section 103 [A150.103], in a  
form suitable for input to a noise model;

(11) a certificate of structural compliance, attested to by a registered  
professional engineer;

(12) a depiction of the owner's proposed logo, emblem, or  
identification marking;

(13) documentation of adequate available motor vehicle parking;  
and

895  
896           (14)     any additional information required by the director. [The  
897                     ~~director may deny a renewal application if the director determines that~~  
898                     ~~adjacent development makes continued operation of a heli-facility~~  
899                     ~~creates a threat to public health or safety].~~  
900

901           (C)     Notice and public comment period for a category III shall follow the  
902                     conditional use permit process under title 25 of the code.  
903

904 **PART 13.** Section 13-1-183 of the City Code is amended to read as follows:  
905

906           § 13-1-183     DENIAL OF APPLICATION FOR HELI-FACILITY  
907                     PERMIT~~[PERMIT OR AUTHORITY TERM AND RENEWAL].~~  
908

909           (A)     The director may deny or condition an application if:  
910

911                     (1)     the applicant has failed to timely submit an administratively  
912                     complete application; or

913                     (2)     the proposed heli-facility:  
914

915                             (a)     would pose a material threat to life, health, or property; or  
916

917                             (b)     would not comply with applicable law; or  
918

919                             (c)     would expose any noise sensitive area to incompatible noise; or  
920

921                             (d)     would pose a material threat to an environmentally sensitive  
922                             area; or  
923

924                             (e)     would not comply with any other requirement of this article.  
925

926                     ~~[A heli-facility permit is valid for three years from the date of issuance].~~  
927

928  
929           (B)     The director may deny or condition the approval of an application if  
930                     ~~[Authorization to operate a temporary helistop is valid for the earlier of]:~~  
931

932                     (1)     prior operations associated with the applicant, helicopters, or helicopter  
933                     operators associated with the application have a history of: [the duration of the  
934                     ~~event or construction project; or]~~  
935

(a) violating section 13-1-14; or

(b) violating section 13-1-15; or

(c) material violations of this article;

(2) the applicant has, in the current or a prior application, provided false material information either intentionally or negligently~~[180 days from the date of issuance].~~

~~[(C)—A permittee may renew a heli facility permit or authorization before the expiration of the existing permit or authorization.]~~

~~[(D)—A permittee must file a renewal application including:~~

~~(1)—a renewal applicable fee; and~~

~~(2)—a certificate that there has been no material change in the information provided in the original permit application; or~~

~~(3)—if a material change has occurred, a description of each change.]~~

~~[(E)—In this section, “material change” includes a change in:~~

~~(3)—the number of operations or hours of operation;~~

~~(4)—the type of helicopters using the heli facility;~~

~~(5)—the approach or departure paths to the heli facility that may constitute a helicopter operation constraint or safety hazard; or~~

~~(4)—development near the heli facility that may affect air or ground access or constitute a hazard under 14 Code of Federal Regulation Part 77 (Objects Affecting Navigable Airspace).]~~

**PART 14.** Section 13-1-184 of the City Code is amended to read as follows:

§ 13-1-184 HELI-FACILITY PERMIT TERM AND RENEWAL~~[INSURANCE REQUIRED; TERMINATION].~~

976 (A) A category III heli-facility is valid for five years from the date of  
977 issuance~~[The owner or operator of a heli-facility must maintain a commercial~~  
978 ~~general liability policy with a combined single limit of liability for bodily injury~~  
979 ~~and property damage of not less than \$1,000,000 for each occurrence].~~  
980

981 (B) A permittee shall file an application to renew a category III heli-facility  
982 permit at least 60 days before the expiration of the existing permit~~[A policy under~~  
983 ~~this section shall:~~  
984

985 (1) ~~name the City as an additional insured;~~  
986

987 (2) ~~provide coverage against all claims arising out of the operation of the~~  
988 ~~heli-facility, including bodily injury, personal and advertising injury, death,~~  
989 ~~contractual liability, independent contractors, and property damage;~~  
990

991 (3) ~~be endorsed to provide the City a thirty (30) day notice of cancellation~~  
992 ~~except for non-payment of premium;~~  
993

994 (4) ~~be issued by an insurance company authorized to do business in the~~  
995 ~~State of Texas; and~~  
996

997 (5) ~~contain waiver of subrogation and recovery in favor of the City].~~  
998

999 (C) A permittee must file a renewal application with the department  
1000 including:  
1001

1002 (1) the application fee; and  
1003

1004 (2) a certificate that there has been no material change in the  
1005 information provided in the original application; or  
1006

1007 (3) if a material change has occurred, a description of each change  
1008 ~~[The owner of a heli-facility shall annually provide the director with a~~  
1009 ~~certificate of insurance].~~  
1010

1011 (D) In this section, "material change" includes a change in:  
1012

1013 (1) the number of operations or hours of operation;  
1014

1015 (2) the type of helicopters using the heliport;  
1016

1017 (3) the approach and departure paths to the heliport that may  
1018 constitute a helicopter operation constraint or safety hazard; or

1020 (4) development near the heliport that may affect air or ground  
1021 access or constitute a hazard under 14 Code of Federal Regulation  
1022 Part 77 (Safe, Efficient Use, and Preservation of Navigable  
1023 Airspace)]~~The director may terminate a heli-facility permit if the~~  
1024 owner fails to maintain the required insurance].

1026 (E) A heli-facility permit for a category I or category II is valid for the  
1027 shorter of:

1029 (1) the duration of the event or construction project for which the  
1030 heli-facility permit is issued; or

1032 (2) 180 days.

1034 (F) Category I and category II heli-facility permits are non-renewable.

1036 **PART 15.** Section 13-1-185 of the City Code is amended to read as follows:

1038 § 13-1-185 INSURANCE REQUIRED; TERMINATION ~~[HELI-FACILITY~~  
1039 ~~STANDARDS AND MARKING]~~.

1041 (A) The owner or operator of a heli-facility must maintain aircraft liability  
1042 including premises liability and general liability policy with a combined single  
1043 limit of liability for bodily injury and property damage of not less than \$5,000,000  
1044 for each occurrence ~~[The design, construction and operation of a heli facility must~~  
1045 ~~comply with applicable City building and fire codes and aviation law, including~~  
1046 ~~Federal Aviation Administration Advisory Circular 150/5390-2A (Heliport Design~~  
1047 ~~Guide)]~~.

1049 (B) A policy under this section shall:

1051 (1) name the city as an additional insured;

1053 (2) provide coverage against all claims arising out of the operation of the  
1054 heli-facility, including bodily injury, personal and advertising injury, death,  
1055 contractual liability, independent contractors, and property damage;

1057           (3)    be endorsed to provide the city a thirty (30) day notice of cancellation  
1058 except for non-payment of premium;

1060           (4)    be issued by an insurance company authorized to do business in the  
1061 State of Texas; and

1063           (5)    contain waiver of subrogation and recovery in favor of the city [~~Except~~  
1064 ~~as provided in subsection (C), a heli-facility must be marked as prescribed by~~  
1065 ~~Federal Aviation Administration Advisory Circular 150/5390-2A (Heliport Design~~  
1066 ~~Guide)~~].

1068           (C)    The owner of a heli-facility shall annually provide the director with a  
1069 certificate of insurance [~~Only a public use heliport or hospital heliport may be~~  
1070 ~~marked with the letter "H"~~].

1072           (D)    The director may terminate a heli-facility permit if the owner fails to  
1073 maintain the required insurance [~~A private use heliport shall use an authorized~~  
1074 ~~logo, emblem, or other owner identification in the touchdown area that:~~

1076                   (1) ~~is known to the pilots authorized to use the facility; and~~

1078                   (2) ~~does not detract from other required markings~~].

1080           [~~(E) The owner of a heli facility must mark the lower left corner of the~~  
1081 ~~designated final approach and takeoff area as viewed from the primary direction of~~  
1082 ~~approach with the City heliport identification number. Each character of the~~  
1083 ~~heliport identification number shall be two feet high, composed of a six inch wide~~  
1084 ~~white stripe with a one inch black border~~].

1086 **PART 16.** Section 13-1-186 of the City Code is amended to read as follows:

1088           § 13-1-186   HELI-FACILITY STANDARDS AND MARKING[~~NOISE~~  
1089 ~~ASSESSMENT GUIDELINES~~].

1091           (A)    The design, construction, and operation of a heli-facility must comply  
1092 with applicable city building and fire codes and aviation law including FAA  
1093 Advisory Circular 150/5390-2 (Heliport Design Guide) [~~This section does not~~  
1094 ~~apply to a hospital heliport~~].

1096           (B)    A heli-facility must be marked as prescribed by FAA Advisory Circular  
1097 150/5390-2 (Heliport Design Guide) [~~A heli facility shall comply with the noise~~

assessment guidelines prescribed by Federal Aviation Administration Advisory Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports)].

(C) A private use heliport shall use an authorized logo, emblem, or other owner identification in the touchdown area that:

(1) is known to the pilots authorized to use the heli-facility; and

(2) does not detract from other required markings.

**PART 17. Section 13-1-187 of the City Code is amended to read as follows:**

§ 13-1-187 NOISE ASSESSMENT GUIDELINES~~[INSPECTION AUTHORIZED; DOCUMENTATION OF STRUCTURAL INTEGRITY].~~

(A) This section does not apply to a hospital heliport~~[The owner or operator of a heli-facility shall permit access to the facility on demand for periodic inspection by City personnel, including Fire Department personnel].~~

(B) To the extent made applicable by this article, a heli-facility shall comply with the guidelines in FAA Advisory Circular 150/5020-1 (Noise Control and Compatibility Planning for Airports) ~~[If requested by the director or the Fire Department, the owner or operator of a heli facility shall submit a certificate of structural compliance attested to by a registered professional engineer documenting the structural integrity of the facility].~~

~~[(C) The chief of the Fire Department shall conduct a periodic inspection of each heli facility and submit a copy of an inspection report to the director for review and, if necessary, appropriate action.]~~

**PART 18. Section 13-1-188 of the City Code is amended to read as follows:**

§ 13-1-188 INSPECTION AUTHORIZED; DOCUMENTATION OF STRUCTURAL INTEGRITY ~~[MAINTENANCE REQUIRED; TERMINATION].~~

(A) The owner or operator of a heli-facility shall permit access to the facility on demand for periodic inspection by city personnel, including fire department personnel ~~[The owner or operator of a heli facility shall maintain the buildings, structures, and ground areas used to store helicopters or related to helicopter use in a safe and sanitary condition].~~

1139       (B) The chief of the fire department shall conduct a periodic inspection of  
1140 each heli-facility and submit a copy of an inspection report to the director and the  
1141 owner for review and, if necessary, appropriate action [~~The owner or operator of a~~  
1142 ~~heli-facility shall maintain required equipment and security devices in good~~  
1143 ~~working order~~].

1145       [~~(C) — The director may terminate a heli-facility permit or revoke approval of a~~  
1146 ~~heli-facility site if the owner or operator fails to properly maintain the facility.~~]

1148 **PART 19.** Section 13-1-189 of the City Code is amended to read as follows:  
1149

1150       § 13-1-189 MAINTENANCE REQUIRED; TERMINATION [~~RESTRICTION~~  
1151 ~~ON ALTERATIONS TO FACILITY OR OPERATIONS~~].

1153       (A) The owner or operator of a heli-facility shall maintain the buildings,  
1154 structures, and ground areas used to store helicopters or related to helicopter  
1155 use in a safe and sanitary condition for the term of the heli-facility permit.

1157       (B) The owner or operator of a heli-facility shall maintain required equipment  
1158 and security devices in good working order for the term of the heli-facility  
1159 permit.

1161       (C) The director may terminate a heli-facility permit if the owner or operator  
1162 fails to properly maintain the heli-facility or any required equipment or  
1163 security devices [~~The owner or operator of a heli facility may not enlarge or~~  
1164 ~~modify the design or layout of a heli facility or make any material change to~~  
1165 ~~the operations of a heli facility without the prior written consent of the~~  
1166 ~~director~~].

1168       (D) The director may terminate a heli-facility permit if the owner or operator  
1169 fails to comply with applicable provisions of the City Code.

1171       (E) The director shall terminate a heli-facility permit if the heli-facility poses a  
1172 material threat to life, health, or property or adjacent development makes  
1173 continued operation of the heli-facility a material threat to life, health, or  
1174 property.

1176 **PART 20.** Section 13-1-190 of the City Code is amended to read as follows:  
1177

1178 § 13-1-190 RESTRICTION ON ALTERATIONS TO FACILITY OR  
1179 OPERATIONS~~[NUMBER OF TEMPORARY HELISTOPS WITHIN A~~  
1180 ~~CERTAIN DISTANCE AND PERIOD OF TIME]~~.

1181  
1182 The owner or operator of a heli-facility may not enlarge or modify the design or  
1183 layout of a heli-facility or make any material change to the operations of a heli-  
1184 facility without the prior written consent of the director~~[The director shall not~~  
1185 ~~approve applications, including renewal applications, for the operation of more~~  
1186 ~~than two temporary helistops that are within a 1.5 mile radius of each other and~~  
1187 ~~within a term of 180 days]~~.

1188  
1189 **PART 21.** Section 13-1-191 of the City Code is added to read as follows:

1190  
1191 § 13-1-191 RESTRICTION ON NUMBER OF CATEGORY II HELI-  
1192 FACILITIES WITHIN A CERTAIN DISTANCE AND PERIOD OF TIME.

1193  
1194 The director shall not approve applications, including renewal applications, for the  
1195 operation of more than two category II heli-facilities that are:

1196  
1197 (1) within 1,000 feet of noise sensitive area;

1198  
1199 (2) within 0.5 miles of each other; and

1200  
1201 (3) within a term of 180 days.

1202  
1203 **PART 22.** Section 13-1-201 of the City Code is amended to read as follows:

1204  
1205 A person who violates this chapter or willfully obstructs or prevents compliance  
1206 with this chapter shall commit an offense punishable as provided in section 1-1-99  
1207 (Offenses; General Penalty) of the Code. Except as provided in sections 13-1-15  
1208 and 13-1-178 (D), each ~~[Each]~~ day a violation continues is a separate offense for  
1209 purposes of section 1-1-99.

1210  
1211 **PART 23.** This ordinance takes effect on \_\_\_\_\_, 2013.

**PASSED AND APPROVED**

\_\_\_\_\_, 2013      § \_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Karen M. Kennard      Jannette S. Goodall  
City Attorney      City Clerk